



LAWS824

Intellectual Property Law

S2 Day 2016

Dept of Law

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General Information

Unit convenor and teaching staff

Unit Convenor

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Tutor

Andrew Morell

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Credit points

4

Prerequisites

(16cp in LAW or LAWS units at 600 level or above) and (admission to JD or LLM or GradCertLaw or GradDipLaw)

Corequisites

Co-badged status

Unit description

This unit provides an understanding of the principles and practice of intellectual property law, encompassing the law of copyright, designs, trade marks, patents and confidential information. The unit begins by considering the theoretical underpinnings of intellectual property law, and progresses to a detailed examination of the existing regulatory frameworks and an analysis of the present law reform discourse. The unit will provide students with a doctrinal understanding of the relevant legal principles, and equip students with the capacity to apply legal principles to complex factual circumstances

Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

Learning Outcomes

On successful completion of this unit, you will be able to:

- Display an understanding of the fundamental principles of intellectual property law
- Display a sophisticated knowledge of the specific rules in intellectual property law through the close examination of legislation and case law;

Demonstrate sophisticated skills of legal analysis through the application of the law to hypothetical fact situations

Demonstrate advanced skills relating to the provision of legal advice through the proper identification of legal issue(s), the application of the relevant law to the identified issues, and the provision of an accurate assessment of the likely outcome.

Demonstrate highly developed skills in the design of new laws and the reform of existing laws through an examination of the policy debates and law reform discourse in key areas.

Participate constructively in discussion and other classroom activities in order to understand, analyse and critique the fundamental principles of intellectual property law.

General Assessment Information

In the absence of a successful application for special consideration due to disruption of studies, any assessment task submitted after its published deadline will receive a mark of zero. Applications for a Disruption of Studies are made electronically via ask.mq.edu.au and should be accompanied by supporting documentation. Students should refer to the Disruption of Studies policy for complete details of the policy and a description of the supporting documentation required. Word limits will be strictly applied and work above the word limit will not be marked. All assessments in the unit are to be submitted electronically. Plagiarism detection software is used in this unit. Detailed moderation of assessments is conducted through the double-marking of a proportion of papers, circulation of a sample of marked papers and discussion between convenor and markers.

Assessment Tasks

Name	Weighting	Due
<u>Participation</u>	20%	Weeks 1-12 of semester
<u>Research Assignment I</u>	40%	Friday, Week 7, 5pm
<u>Research Assignment II</u>	40%	Monday, Week 13, 5pm

Participation

Due: **Weeks 1-12 of semester**

Weighting: **20%**

Students are expected to complete the required reading and actively discuss the questions outlined in the Tutorial Questions in the weekly tutorial (see iLearn under each week). All students are encouraged to actively participate in each week's discussion. Participation will be assessed at all tutorials. External students are required to attend all of both days of the On-Campus Session ("OCS"). Students are required to demonstrate competence in participating in

oral discussion in an academic environment. This involves thoughtfully responding to the issues raised and where appropriate, asking relevant questions. A participation mark out of 5 will be provided to students in week 4 of semester. This mark will form an assessment of tutorial participation in the first three tutorials. A final mark out of 20 will be provided to students after the completion of the last tutorial. The mark out of 20 will incorporate the initial mark out of 5 covering the first three tutorials and encompass a further mark out of 15 for tutorials 4-12.

On successful completion you will be able to:

- Display an understanding of the fundamental principles of intellectual property law
- Display a sophisticated knowledge of the specific rules in intellectual property law through the close examination of legislation and case law;
- Demonstrate advanced skills relating to the provision of legal advice through the proper identification of legal issue(s), the application of the relevant law to the identified issues, and the provision of an accurate assessment of the likely outcome.
- Participate constructively in discussion and other classroom activities in order to understand, analyse and critique the fundamental principles of intellectual property law.

Research Assignment I

Due: **Friday, Week 7, 5pm**

Weighting: **40%**

QUESTION

The effectiveness of the *Copyright Act* 1968 (Cth) in protecting copyright in literary works has been substantially diminished by technological change. Discuss with close reference to relevant legislation, case law, scholarly literature and the reform discourse.

Word limit = 2,000 words, not including footnotes and bibliography. Footnotes need to be confined to citations.

On successful completion you will be able to:

- Display an understanding of the fundamental principles of intellectual property law
- Display a sophisticated knowledge of the specific rules in intellectual property law through the close examination of legislation and case law;
- Demonstrate sophisticated skills of legal analysis through the application of the law to hypothetical fact situations
- Demonstrate highly developed skills in the design of new laws and the reform of existing laws through an examination of the policy debates and law reform discourse in key areas.

Research Assignment II

Due: **Monday, Week 13, 5pm**

Weighting: **40%**

"Central to effective intellectual property laws are clear principles for balancing private proprietary interest and wider public interests." Do you agree? Discuss with detailed reference to *either* the law of copyright *or* the law of patents.

Word limit = 3,000 words, not including footnotes and bibliography. Footnotes need to be confined to citations.

On successful completion you will be able to:

- Demonstrate sophisticated skills of legal analysis through the application of the law to hypothetical fact situations
- Demonstrate highly developed skills in the design of new laws and the reform of existing laws through an examination of the policy debates and law reform discourse in key areas.

Delivery and Resources

All materials necessary to complete this unit are cited on the LAW 473 i-Learn site. The tutorial readings can be accessed via e-reserve. The textbook will need to be purchased from the co-op.

REQUIRED AND RECOMMENDED RESOURCES

Prescribed textbook

- Andrew Stewart, Philip Griffith & Judith Bannister, *Intellectual Property in Australia*, 2014, 4th edition, LexisNexis Butterworths.

Tutorial reading

- In addition to the prescribed text book, additional reading (ie journal articles, cases and problems to be discussed in tutorials) will be required for each tutorial. These additional readings are found on e-reserve.

Recommended journals

- *Australian Intellectual Property Journal*, Thomson Reuters.
- *Media and Art Law Review*, The University of Melbourne.
- *Information Journal of Technology Policy and Law*, Inderscience Publications, Switzerland.

Accessing full text of cases and legislation

Legislation:

All Commonwealth and State statutes and regulations can be found at <http://www.austlii.edu.au>. (Ensure reference is made, wherever possible, to consolidated legislation.)

Case Law:

For *reported case law*, use the Macquarie University library databases to access the:

Lawbookonline database (e.g. CLR, FCR, FLR, NSWLR);

Lexisnexis (Aus) database (e.g. ALR, IPR).

For *unreported case law*, use: <http://www.austlii.edu.au>.

(Ensure reference is made, wherever possible, to reported case law.)

Unit Schedule

Week of Semester	Lecture	Tutorial	Required Reading	Assessment
1	Lecture 1 - Introduction	Tutorial 1	Textbook - Chapter 1 Tutorial 1 Reading (see e-reserve and i-Learn LAWS 824)	Participation in tutorial
2	Lecture 2 - Copyright I	Tutorial 2	Textbook - Chapters 5 & 6 Tutorial 2 Reading (see e-reserve and i-Learn LAWS 824)	Participation in tutorial
3	Lecture 3 - Copyright II	Tutorial 3	Textbook - Chapter 7 Tutorial 3 Reading (see e-reserve and i-Learn LAWS 824)	Participation in tutorial

4	Lecture 4 - Copyright III and Confidential Information	Tutorial 4	Textbook - Chapters 8, 9, 3 & 4 Tutorial 4 Reading (see e- reserve and i- Learn LAWS 824)	Participation in tutorial. A participation mark out of 5 will be provided to students in week 4 of semester. This mark will form an assessment of tutorial participation in the first three tutorials. A final mark out of 20 will be provided to students after the completion of the last tutorial. The mark out of 20 will incorporate the initial mark out of 5 covering the first three tutorials and encompass a further mark out of 15 for tutorials 4-12.
5	Lecture 5 - Designs I	Tutorial 5	Textbook - Chapter 10 Tutorial 5 Reading (see e- reserve and i- Learn LAWS 824)	Participation in tutorial
6	Lecture 6 - Designs II	Tutorial 6	Textbook - Chapter 10 Tutorial 6 Reading (see e- reserve and i- Learn LAWS 824)	Participation in tutorial

7	Lecture 7 - Trade Marks I	Tutorial 7	Textbook - Chapter 19 Tutorial 7 Reading (see e- reserve and i- Learn LAWS 824)	Participation in tutorial Case or Legislation Analysis is due Friday of Week 7, 5pm
			RECESS	The Questions for the Final Assessment will be made available via ilearn on Friday 30 Sept 2016 at 5pm.
8	Lecture 8 - Trade Marks II	Tutorial 8	Textbook - Chapter 20 Tutorial 8 Reading (see e- reserve and i- Learn LAWS 824)	Participation in tutorial.
9	Lecture 9 - Patents I	Tutorial 9	Textbook - Chapter 11, 12 Tutorial 9 Reading (see e- reserve and i- Learn LAWS 824)	Participation in tutorial.

10	Lecture 10 - Patents II	Tutorial 10	Textbook - Chapter 13 Tutorial 10 Reading (see e- reserve and i- Learn LAWS 824)	Participation in tutorial
11	Lecture 11 - Protecting Business Reputation	Tutorial 11	Textbook - Chapters 16, 17, 18 Tutorial 11 Reading (see e- reserve and i- Learn LAWS 824)	Participation in tutorial
12	Lecture 12 - Remedies, Commercialisation of IP, and International Perspectives	Tutorial 12	Textbook - Chapters 2, 21, 22 Tutorial 12 Reading (see e- reserve and i- Learn LAWS 824)	Participation in tutorial

13	TAKE-HOME ASSESSMENT DUE MONDAY BY 5PM			
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Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](#). Students should be aware of the following policies in particular with regard to Learning and Teaching:

Academic Honesty Policy http://mq.edu.au/policy/docs/academic_honesty/policy.html

New Assessment Policy in effect from Session 2 2016 http://mq.edu.au/policy/docs/assessment/policy_2016.html. For more information visit http://students.mq.edu.au/events/2016/07/19/new_assessment_policy_in_place_from_session_2/

Assessment Policy prior to Session 2 2016 <http://mq.edu.au/policy/docs/assessment/policy.html>

Grading Policy prior to Session 2 2016 <http://mq.edu.au/policy/docs/grading/policy.html>

Grade Appeal Policy <http://mq.edu.au/policy/docs/gradeappeal/policy.html>

Complaint Management Procedure for Students and Members of the Public http://www.mq.edu.au/policy/docs/complaint_management/procedure.html

Disruption to Studies Policy http://www.mq.edu.au/policy/docs/disruption_studies/policy.html *The Disruption to Studies Policy is effective from March 3 2014 and replaces the Special Consideration Policy.*

In addition, a number of other policies can be found in the [Learning and Teaching Category](#) of Policy Central.

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: https://students.mq.edu.au/support/student_conduct/

Results

Results shown in *iLearn*, or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in [eStudent](#). For more information visit ask.mq.edu.au.

Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

Learning Skills

Learning Skills (mq.edu.au/learningskills) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

Student Enquiries

For all student enquiries, visit Student Connect at ask.mq.edu.au

IT Help

For help with University computer systems and technology, visit http://www.mq.edu.au/about_us/offices_and_units/information_technology/help/.

When using the University's IT, you must adhere to the [Acceptable Use of IT Resources Policy](#). The policy applies to all who connect to the MQ network including students.

Graduate Capabilities

PG - Capable of Professional and Personal Judgment and Initiative

Our postgraduates will demonstrate a high standard of discernment and common sense in their professional and personal judgment. They will have the ability to make informed choices and decisions that reflect both the nature of their professional work and their personal perspectives.

This graduate capability is supported by:

Learning outcomes

- Demonstrate highly developed skills in the design of new laws and the reform of existing laws through an examination of the policy debates and law reform discourse in key areas.
- Participate constructively in discussion and other classroom activities in order to understand, analyse and critique the fundamental principles of intellectual property law.

Assessment tasks

- Participation
- Research Assignment I
- Research Assignment II

PG - Discipline Knowledge and Skills

Our postgraduates will be able to demonstrate a significantly enhanced depth and breadth of knowledge, scholarly understanding, and specific subject content knowledge in their chosen fields.

This graduate capability is supported by:

Learning outcomes

- Display an understanding of the fundamental principles of intellectual property law
- Display a sophisticated knowledge of the specific rules in intellectual property law through the close examination of legislation and case law;
- Participate constructively in discussion and other classroom activities in order to understand, analyse and critique the fundamental principles of intellectual property law.

Assessment tasks

- Research Assignment I
- Research Assignment II

PG - Critical, Analytical and Integrative Thinking

Our postgraduates will be capable of utilising and reflecting on prior knowledge and experience, of applying higher level critical thinking skills, and of integrating and synthesising learning and knowledge from a range of sources and environments. A characteristic of this form of thinking is the generation of new, professionally oriented knowledge through personal or group-based critique of practice and theory.

This graduate capability is supported by:

Learning outcomes

- Demonstrate sophisticated skills of legal analysis through the application of the law to hypothetical fact situations
- Participate constructively in discussion and other classroom activities in order to understand, analyse and critique the fundamental principles of intellectual property law.

Assessment tasks

- Participation
- Research Assignment I
- Research Assignment II

PG - Research and Problem Solving Capability

Our postgraduates will be capable of systematic enquiry; able to use research skills to create new knowledge that can be applied to real world issues, or contribute to a field of study or

practice to enhance society. They will be capable of creative questioning, problem finding and problem solving.

This graduate capability is supported by:

Learning outcome

- Demonstrate advanced skills relating to the provision of legal advice through the proper identification of legal issue(s), the application of the relevant law to the identified issues, and the provision of an accurate assessment of the likely outcome.

Assessment tasks

- Research Assignment I
- Research Assignment II

PG - Effective Communication

Our postgraduates will be able to communicate effectively and convey their views to different social, cultural, and professional audiences. They will be able to use a variety of technologically supported media to communicate with empathy using a range of written, spoken or visual formats.

This graduate capability is supported by:

Learning outcome

- Participate constructively in discussion and other classroom activities in order to understand, analyse and critique the fundamental principles of intellectual property law.

Assessment task

- Participation

PG - Engaged and Responsible, Active and Ethical Citizens

Our postgraduates will be ethically aware and capable of confident transformative action in relation to their professional responsibilities and the wider community. They will have a sense of connectedness with others and country and have a sense of mutual obligation. They will be able to appreciate the impact of their professional roles for social justice and inclusion related to national and global issues

This graduate capability is supported by:

Learning outcome

- Demonstrate highly developed skills in the design of new laws and the reform of existing laws through an examination of the policy debates and law reform discourse in key areas.

Assessment tasks

- Research Assignment I
- Research Assignment II